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In re Application of
Charles C. WU
Application No.: 09/344,261
Filed: June 25, 1999
Atty Docket No.: WU4

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JUN 19 2006

OFFICE OF PETITIONS

DECISION ON PETITION

UNDER 37 CFR 1.181

This decision is a substitute decision for one mailed 05 June 2006. The original decision was inadvertently mailed to an incorrect Patton Boggs post office box in Louisville, Colorado. The decision is in response to applicant's petition to revive under 37 CFR 1.137(b) filed 14 February 2006 in the United States Patent and Trademark Office (USPTO). For the reasons stated below, the petition is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment. The \$1500.00 petition fee will be refunded to deposit account number 50-1602.

On March 11, 2002, applicant was mailed a Notice Of Allowance which set a statutory period for reply of three (3) months for payment of the issue fee.

On January 26, 2006, applicant was mailed a Notice of Abandonment indicating that the fee had not been paid.

On 14 February 2006, applicant filed the present petition to revive. As applicant has included exhibits indicating that a fee payment was indeed provided in June, 2002, the petition is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

The best evidence of what was actually received by the Office is a postcard receipt containing a specific itemization of all the items being submitted. See MPEP 503. Applicant has provided a copy of a stamped postcard receipt stamped "OIPE JC60 Patent & Trademark Office JUN 17 2002." Applicant has also included a copy of the subject filing which shows a certificate of mailing of June 7, 2002, as well as, a copy of the firm deposit account indicating that the fees in question were charged to the deposit account on June 17, 2002. Thus it is clear that applicant made a timely payment of the issue fee in response to the Notice of Allowance mailed March 11, 2002.

Accordingly, the petition is **GRANTED** and the issue fee payment is accepted as having been timely paid.

The application is being referred to the Office Of Publications.

Telephone inquiries concerning this decision should be directed to the undersigned.



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